

**TOWN OF STANLEY**  
**ORDINANCE # 2008-01**  
**RE: REGULATION AND LICENSING OF FIREWORKS**

The Town Board for the Town of Stanley does ordain that the following Ordinance is hereby adopted:

Ordinance # 2008-01  
Re: Regulation and Licensing of Fireworks

SECTION 1.0 INTENT. The Town Board finds that the sale, possession of use of fireworks without comprehensive oversight constitutes an offensive industry if not carefully controlled. Fireworks by their nature are designed for exploding, emitting sparks or combustion. Accordingly, fireworks may be sold, possessed or used in the Town only if used under appropriate safeguards. This Ordinance is authorized pursuant to Wis. Stats. 167.10(5)(a).

SECTION 2.0 DEFINITIONS. In this Ordinance, “fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use.

- (A) The definition of “fireworks” includes, but is not limited to the following:
- (1) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects;
  - (2) A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 C.F.R. 173.50;
  - (3) A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive as defined in 49 C.F.R. 173.50; or
  - (4) Firecrackers, cherry bombs, M-80s and other similar devices containing gunpowder or TNT.
- (B) The term “fireworks” does not include any of the following:
- (1) Fuel or lubricant;
  - (2) A firearm cartridge or shotgun shell;
  - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
  - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater;

- (5) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion;
- (6) A toy snake which contains no mercury;
- (7) A model rocket engine;
- (8) Tobacco and tobacco products;
- (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate;
- (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture;
- (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight;
- (12) A device that emits smoke with no external flame and does not leave the ground;
- (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke;
- (14) A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke; or
- (15) Any other material exempted from the definition of fireworks as set forth in Wis. Stats. § 167.10(1).

SECTION 3.0 SALE AND DISCHARGE OF FIREWORKS RESTRICTED. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Town unless such person shall be authorized by a fireworks permit as provided in this Ordinance.

#### SECTION 4.0 PERMIT REQUIRED

- (A) Sale. No person may sell or possess with intent to sell fireworks, except:
  - (1) To a person holding a permit issued pursuant to this Section 4.0;
  - (2) To a City, Village, or Town; or
  - (3) For a purpose specified in Section 4.0(h) below.

(B) Permit. (1) No person may possess or use fireworks without an appropriate permit from the Town Board Chairperson or from an official or employee of the Town as designated by the Town Board. Each application shall be accompanied by a fee. In order to obtain such permit, such person shall be at least eighteen (18) years of age and shall make written application therefor, directed to the Town Chair, and specify:

- (a) Name, address and business telephone number of the applicant;
- (b) The proposed date(s) and time(s) on which the applicant wishes to commence the sale or use of fireworks;
- (c) The kind of fireworks which the applicant wishes to sell or use;
- (d) The proposed location for the storage of the fireworks in the Town.
- (e) A description of the fire safety equipment and precautions to be installed and maintained on the premises where the fireworks are to be sold, possesses or used;
- (f) The existing zoning of the proposed location.

(2) Each application shall be accompanied with an application fee in the amount set forth in the Town of Stanley's fee schedule as well as a copy of a certificate of insurance as required in section 4.0(F) of this ordinance.

(3) Pursuant to Wis. Statutes 167.10(3)(c), a permit may be issued only to the following:

- (a) A public authority;
- (b) A fair association;
- (c) An amusement park;
- (d) A park board;
- (e) A civic organization;
- (f) An individual or group of individuals; or
- (g) An agricultural producer for the protection of crops from predatory birds or animals.

(C) Appeal. Any person aggrieved by a denial of a fireworks permit may appeal to the Town Board pursuant to Wis. Stats. § 68.08, *et seq.*

(D) Types of Permits. There shall be a fireworks sales permit and a fireworks display permit.

(1) Fireworks Sales. A firework sales permit entitles the permittee to sell fireworks to the public in compliance with the federal, state, and local regulations applicable to the selling

of fireworks. The application for such a permit shall be submitted no less than 25 days before the proposed date on which the applicant wishes to commence the sale of fireworks.

(2) Fireworks Display. A fireworks display permit entitles the permittee to stage a public or private display of fireworks in compliance with all federal, state and local regulations applicable to fireworks displays. The application for such a permit shall be submitted not less than ten days before the proposed display. The Town's fire and law enforcement officials shall be notified of the proposed display as soon as possible after the application and at least 48 hours before the proposed display.

(E) Term of Permit.

(1) A Fireworks Sales Permit issued by the Town shall be for a period of up to 45 days. All fireworks sales permits shall expire on July 15 of each year.

(2) A Fireworks Display Permit issued by the Town Board Chairperson shall be for a single occasion of not over two hours in duration and shall not extend past 11:00 pm.

(F) Insurance. Prior to the issuance of any permit, the applicant shall furnish the Town Board Chairperson with a certificate of insurance showing public liability insurance for the proposed location of selling or using fireworks in an amount of not less than \$1,000,000 per person, \$3,000,000 per occurrence and \$500,000 in property damage, as allowed by Wisconsin State Statute 167.10(3)(e).

(G) Operational Restrictions. No person shall be issued or reissued a permit under this Ordinance if the applicant or permittee:

- (1) Fails to install or maintain adequate fire safety equipment for the premises on which fireworks are being sold, possessed or used;
- (2) Fails to provide or maintain the policy of insurance as set forth above.
- (3) Fails to provide or maintain adequate physical structures, equipment and operational control as determined by the Town Board Chairperson to prevent trespassing;
- (4) Fails to provide or maintain adequate sanitary facilities at the location where the fireworks are to be sold, possessed or used;
- (5) Fails to allow physical access to the location where fireworks are sold, possessed or used by the Town Board Chairperson or designee for inspection purposes;
- (6) Fails to equip the structure where fireworks are sold, possessed or used with fire extinguishers approved by the Cameron Area Fire Department;
- (7) Seeks the permit for premises located within 400 feet of a dwelling or any public building, as defined in Wis. Stats. 101.01(12), or place where gasoline or other

volatile liquid is kept or dispensed; unless, the person seeking the permit obtains a signature from all properties which are located within 400 feet of the premises where the display will take place acknowledging that they have no objection to the display;

(8) Allows fireworks to be sold by a person who has not attained the age of eighteen.

(H) Exemptions. No permit is required under this Ordinance as follows:

- (1) Persons possessing fireworks in the Town while transporting the fireworks to another municipality where the possession of the fireworks is authorized by permit or ordinance; however, the person must obtain a fireworks permit if the person stays in the Town for a period of at least 12 hours;
- (2) The possession or use of explosives in accordance with rules or general orders of the State Department of Commerce;
- (3) The disposal of hazardous substances in accordance with rules adopted by the State Department of Natural Resources;
- (4) The possession of or use of explosive or combustible materials in any manufacturing process;
- (5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions;
- (6) The possession or manufacture of explosives by a person holding a permit under 18 U.S.C. 841-848 if the possession of the fireworks is authorized under the license or permit.

SECTION 5.0 PARENTAL LIABILITY. A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

SECTION 6.0 VIOLATIONS AND FORFEITURES. Any person violating any of the terms of this Ordinance shall, upon conviction thereof, be subject to penalty which shall be as follows:

(A) Offenses. As allowed by Wisconsin Statutes 167.10 (9)(b), any person convicted of violating any provision of this ordinance shall forfeit not more than \$1,000.

(B) Continued Violations. Each violation and each day a violation continues or occurs shall constitute as a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance. Any continued violation of this Ordinance is declared to be a public nuisance.

SECTION 7.0 EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Originally adopted 17th day of April, 2008. Amended 11<sup>th</sup> day of August, 2009, 11th day of October, 2017  
and 12th day of September, 2018

Town of Stanley

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Dennis Stillwell, Chairman

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Larry Moen, Supervisor

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Monty Shearer, Supervisor

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Attest: Jim Hessel, Clerk